

REQUEST FOR EXTENSION OF RECOGNITION OF A NON-PROFIT RELIGIOUS, CHARITABLE, SOCIAL SERVICE, OR SIMILAR ORGANIZATION

Agency recognition and staff and/or volunteer accreditation allows non-profit organizations and their nonattorney staff and/or volunteers to practice immigration law. It is an essential tool for increasing capacity to serve low-income, vulnerable immigrant populations with high quality, charitable immigration legal services. An organization with multiple office locations may want to obtain recognition for those offices so its accredited representative(s) can offer immigration legal services in those locations. If the organization has or is seeking recognition at one office location, it may request extension to additional office locations at any time if those locations meet the eligibility requirements. Otherwise, an organization may need to seek separate recognition for those office locations.

Once the organization files for an extension of recognition for its other office locations and it is approved by the Department of Justice Recognition and Accreditation Program (DOJ R & A Program) the accredited representative is authorized to practice immigration law at those recognized office locations without having to file an accreditation application for each of those locations. Please refer to CLINIC's Accreditation Checklists for more information about eligibility requirements for accreditation.

ELIGIBILITY REQUIREMENTS FOR EXTENSION OF RECOGNITION

To be eligible for extension of agency recognition, the organization's additional offices or locations must:

- Demonstrate that the sub-office(s) are under the supervision and control of the main office or headquarters;
- have access to adequate legal resources; and
- Share the same funding, management, and operations as the main office.
- Note: The DOJ R & A Program may require an organization to seek separate recognition for an office or location of the organization, for example, when a subordinate office or location has distinct operations, management structure, or funding sources from the organization's headquarters.

ELEMENTS OF THE APPLICATION

An organization may request extension of recognition to additional office locations at any time, either as part of the initial application for recognition, renewal of recognition, or any time after the organization is recognized. If you are applying for first time recognition, or renewal of recognition make sure to review <u>CLINIC's REQUEST FOR NEW RECOGNITION CHECKLIST or</u> <u>REQUEST FOR RENEWAL OF RECOGNITION</u> to ensure you submit the required information and documentation for those applications.

- I. Cover Letter
- II. Form EOIR 31 (Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization)
- III. Declaration from the authorized officer
- IV. A description of frequency with which the recognized organization conducts inspections of proposed extension office(s)
- V. Proof of joint operations between the recognized organization and proposed extension offices
- VI. Proof of joint management structure between the recognized organization and proposed extension office(s)
- VII. Proof of joint funding sources and financial oversight over the proposed extension office(s)
- VIII. Proof of access to the same legal resources as the recognized organization

CHECKLIST FOR EACH ELEMENT OF THE APPLICATION

This checklist is current as of the publication date. It does not constitute legal advice. The laws, interpretations of the laws, forms, and policies associated with DOJ recognition and accreditation change occasionally, so please confirm that the information in this guide is still current before relying on it. Please check the <u>DOJ/EOIR website</u> for form versions, instructions, recent case law regarding DOJ recognition and accreditation, and other important information. We also encourage you to review the Frequently Asked Questions (FAQs) on the recognition and accreditation program which is available on the EOIR website at the same link shown above.

Additional information may be found in CLINIC's DOJ Recognition and Accreditation Toolkit.

I. Cover Letter

Best Practice Tips!

- The cover letter should be clear and concise, have the correct information for the DOJ R & A Program, cite the correct regulations and contain a list of enclosures. Use CLINIC's sample <u>cover</u> <u>letter</u> as a guide.
- If the request for extension of recognition is included in an <u>initial recognition application for</u> recognition, refer to CLINIC's sample cover letter in the <u>REQUEST FOR INITIAL</u> <u>RECOGNITION CHECKLIST</u> and include the language in CLINIC's <u>sample extension language</u> in that cover letter.
- If the request for extension of recognition is included in a <u>renewal</u> of recognition application, refer to CLINIC's sample cover letter in the <u>REQUEST FOR RENEWAL OF RECOGNITION</u> <u>CHECKLIST</u> and include the language in CLINIC's <u>sample extension language</u> in that cover letter.

II. Form EOIR-31 (Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-Profit Religious, Charitable, Social Service, or Similar Organization)

NOTE – Effective November 3, 2023, organizations are required to use the October 2022 Revision of form EOIR-31. The DOJ R & A Program will return any applications submitted using prior versions of the forms.

 \Box The applicant is using the October 2022 version of form EOIR-31 (this can be verified by looking at the bottom right corner of the form.) As of the date of this check list, this is the <u>link</u> for the current form.

Part 1. Organization Contact Information

Best Practice Tips!

- If the organization is already recognized, make sure the organization name listed in Part 1 is the legal name of the organization and matches the DOJ <u>roster</u>.
- Check that the name of the organization is consistent throughout the application, cover letter and supporting documents

Part 2. Type(s) of Recognition Requested

 \square Be sure to check the box for Extension of Recognition and provide the requested information here.

□ Be sure to **also** select "initial recognition" or "renewal of recognition" if applicable.

Part 3. Information About Organization

(Skip – unless this is also the application for initial recognition, then see CLINIC's <u>REQUEST</u> <u>FOR NEW RECOGNITION</u> checklist)

Part 4. Information about Organization's Immigration Law Practice

(Skip – unless this is also the application for initial recognition or renewal of recognition, then see CLINIC's <u>REQUEST FOR NEW RECOGNITION or RENEWAL OF RECOGNITION</u> checklist).

Part 5. Renewal of Recognition (Skip)

(Skip – unless this is also an application for renewal of recognition, then see CLINIC's REQUEST FOR RENEWAL OF RECOGNITION checklist)

Part 6. Information About Organization's Accredited Representative(s)

(Skip – unless this is also the application for initial recognition or renewal of recognition, then see CLINIC's <u>REQUEST FOR NEW RECOGNITION or RENEWAL OF RECOGNITION</u> checklist).

Part 7. Extension of Recognition

 $\hfill\square$ The applicant entered the information about the extension office.

Best Practice Tip!

If requesting extension to multiple offices, note "see addendum" and include the requested information on Part 7 for each office location.

- □ The applicant checked **all** appropriate boxes indicating that they attached the requested documents *(see part III-VIII for best practice tips for providing supporting documentation).*
 - □ Frequency with which Organization in Part 1 conducts inspections of proposed Extension Office
 - □ Joint operations
 - □ Joint management structure
 - □ Joint funding sources and financial oversight
 - □ Extension Office has access to the same legal resources as the Organization in Part 1

Part 8. Declaration of Authorized Officer

 \square Remember to sign and date this section once the application is complete and ready to submit to the DOJ R & A Program.

Best Practice Tips!

- Have the Authorized Officer be the same person as listed on application(s) for recognition and accreditation.
- For an organization that is already recognized, and the Authorized Officer has changed, you will want to note this in your cover letter so the DOJ R & A Program is notified of this change.

Part 9. Proof of Service on USCIS District Director(s)

 \square Remember to sign and date this section once the application is complete and ready to submit to the DOJ R & A Program.

Best Practice Tips!

- Make sure that the correct address(s) for the USCIS District Office for the principal and all extension locations are included. Check the <u>USCIS website</u> to be sure the address is correct.
- If submitting the application electronically to the USCIS District Director, indicate the email address along with the physical address.

III. Declaration from the Authorized Officer

8 CFR§ 1292.15 requires a separate declaration from the organization's authorized officer "attesting that it periodically conducts inspections of each such office or location, exercises supervision and control over its accredited representatives at those offices and locations, and provides access to adequate legal resources at each such office or location."

Best Practice Tips!

- Include a brief summary of how the organization periodically conducts inspections of offices, exercises supervision and control over its accredited representatives at those offices and locations and provides access to adequate legal resources at each such office or location.
- Include a statement that the subordinate office(s) has shared operations, management structure, and funding sources as the organization's headquarters
- Include a list of supporting documents
- Use CLINIC's Sample Declaration as a guide

IV. A description of frequency with which the recognized organization conducts inspections of proposed extension office(s)

Best Practice Tips!

- Include this information in the declaration and attach an organizational chart with this information as evidence.
 - Organizational chart
 - Make sure the organizational chart is neat, clear, and easy to understand
 - The organizational chart should detail how the immigration program is staffed (both paid staff and any volunteers) and show the chain of supervision for the immigration staff between the main organization and the offices for which extension is being requested.
 - Note which office the accredited representative(s) will be located at. Per the DOJ R & A Program's FAQ, although accredited representatives can work out of any approved extension office(s), there must be at least one accredited representative at each extension office that offers immigration legal services on a regular basis.
 - Use CLINIC's <u>sample Organizational Chart</u> as a guide

V. Proof of joint operations between the recognized organization and proposed extension offices

Best Practice Tips!

- Include this information in the declaration and attach an organizational chart, budget and fee schedule or description of legal services that are or will be provided as evidence.
- See above for best practice tips related to the declaration and organizational chart.
- Budget

- Specify the fiscal cycle as (month/year to month/year).
- Balance the totals for projected revenue and expenses
- \circ Specify grants by name of the funder and amount from each funder.
- Mark fee income as "projected" if for the current or projected year.
- Include in-kind donations (in-kind or cash) the name of church (or other organization) including the type of in-kind donations
- Include expense lines for staff training, technical legal support (if applicable), and law library materials.
- If charging fees organizations must conduct an analysis for compliance with the Internal Revenue Code. Because legal services are not traditionally recognized as charitable, to qualify for tax exemption based on "serving members of a charitable class," it is ideal to keep income-generating revenue for fee-based services below approximately 85% of the organization's budget, as a whole. And, the budget's revenue column should include additional, diversified funding sources, such as a combination of individual donors, grants, in-kind donations, etc., that contribute to covering the cost of running the immigration legal services program
- Use CLINIC's <u>sample budgets</u> as a guide
- Fee Schedule
 - Determining a fee schedule will depend on several factors. It is of utmost importance to note up front, though, that when developing fee schedules, organizations must comply with the Internal Revenue Code or "IRC." Many organizations who are CLINIC affiliates are tax-exempt organizations with 501(c)(3) status, and it is important to consult with tax experts to ensure the organization is engaging in income-generating activities that do not compromise their status as a tax-exempt organization with 501(c)(3) status
 - Make sure the fees are appropriate for a non-profit that primarily serves low income and indigent clients.
 - Use CLINIC's <u>sample fee schedule</u>
- Description of legal services provided
 - If your organization does not charge fees, include a brief description of the legal services that the organization provides or will provide.
 - Use CLINIC's <u>sample fee schedule</u> as a guide for listing services minus the fee column.

VI. Proof of joint management structure between the recognized organization and proposed extension office(s)

Best Practice Tips!

- Include this information in the declaration and attach an organizational chart, budget, and fee schedule as evidence.
- See above for best practice tips related to the declaration, organizational chart, budget, and fee schedule.

VII. Proof of joint funding sources and financial oversight over the proposed extension office(s)

Best Practice Tips!

• Include this information in the declaration and attach an organizational chart, budget, and fee schedule as evidence.

• See above for best practice tips related to the declaration, organizational chart, budget, and fee schedule.

VIII. Proof of access to the same legal resources as the recognized organization

Best Practice Tips!

- Organizations should have access to INA and 8 CFR and note this in the list of legal resources. Although organizations are encouraged to obtain the most up to date print copy of immigration law and regulations, having access to this information via USCIS or EOIR Virtual Library is sufficient.
- Follow the CLINIC template for this document
- For the list of legal resources, EOIR provided guidance in *Matter of EAC, Inc.*
- Check that the law library list is neat, clear, and up to date
- Check any internet links to be sure they are still working
- If applicant included a list of email listservs, make sure that they are signed up
- Specify dates for all print resources and remove resources that are more than a few years old
- Use CLINIC's sample Law Library Resources as a guide

APPLICATIONS SUBMISSION BEST PRACTICE TIPS!

- Present the supporting documents in the same order listed in the cover letter and as outlined in EOIR-31.
- Clearly title/label documents and make sure they match how titles are listed in the cover letter.
- The DOJ R & A Program prefers applications to be submitted via email to <u>R-A-Info@usdoj.gov</u> and you can copy USCIS on the email to the DOJ R & A Program for ease of submission.

WAITING FOR ADJUDICATION BEST PRACTICE TIPS!

- Make sure that someone (usually the authorized officer) is checking the email provided on the application (including spam and junk folders) for communication from the R & A Program.
- Respond to requests for additional information in a timely manner. If you need more time, ask for it rather than missing a deadline.

SAMPLE COVER LETTER FOR RECOGNITION EXTENSION REQUEST

[DATE]

Recognition and Accreditation Program Coordinator Department of Justice Recognition and Accreditation Program Executive Office for Immigration Review 5107 Leesburg Pike, Suite 2400 Falls Church, VA 22041

RE: Request for extension of recognition to [number] [organization name] offices located at [full address of each]

Dear Recognition and Accreditation Program Coordinator:

[Organization] is a DOJ recognized organization with its main office located at [full address]. With this application, [organization] is seeking extension of recognition to [number] sub-office locations in [list cities].

Enclosed, please find a completed Form EOIR-31 along with a declaration an updated organizational chart to demonstrate that [organization] exercises supervision and control over its accredited representatives at the sub-office locations, including frequency of inspections. We are also providing a list of immigration law library resources available at all [organization] office locations to demonstrate that they have access to adequate legal resources. To demonstrate that all offices share the same funding, management, and operations, we are providing a current budget for the immigration program that includes the sub-offices and a current fee schedule used at all office locations. We have included a list of attachments below.

Thank you very much for your fair and rapid consideration of [organization's] request for extension of recognition.

Sincerely,

[Name of Authorized Officer] [Job Title]

Attachments:

- Form EOIR-31 requesting extension of recognition Rev. Oct. 2022
- Declaration attesting that [name of the organization] periodically conducts inspections, exercises supervision and control over its accredited representatives and will provides access to adequate legal resources at each office and location [where we currently and seek to provide immigration legal services].
- A description of frequency with which the recognized organization conducts inspections of proposed extension office(s) *Please see above and the attached organizational chart*
- Proof of joint operations, joint management structure, and joint funding sources and financial oversight between the recognized organization and the proposed extension office(s). *Please see attached organizational chart, budget and fee schedule.*
- Proof of access to the same legal resources recognized organization. *Please see list of immigration law library resources for all office locations.*

SAMPLE DECLARATION FOR SEEKING EXTENSION OF RECOGNITION TO SUB-OFFICE LOCATION(S) *Best Practice Tip - put this declaration on the organization's letterhead

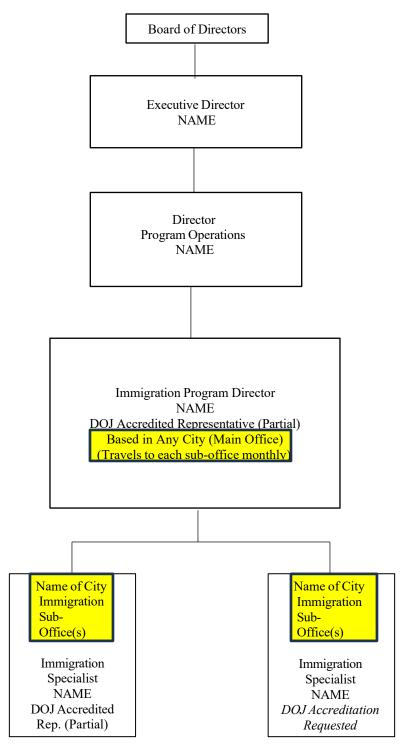
- a. I [name of authorized officer] declare under penalty of perjury the following information:
- b. I am the authorized officer for all matters related to the Department of Justice Recognition and Accreditation program for [organization name]
- c. [Organization name] provides/seeks to provide immigration legal services at the following locations: [list current and proposed locations]
 - i. Location 1 Principal location (currently approved)
 - ii. Location 2 (seeking extension of recognition)
 - iii. Location 3 (seeking extension of recognition)
 - iv. [Organization name] periodically [conducts/will conduct] inspections of each such office or location ,[Include a *brief* description the frequency with the organization conducts inspections of proposed extension office(s)]
- d. [Organization name] will exercise supervision and control over its accredited representatives [add names of accredited representatives here] at all offices and locations. [Include a *brief* description of how the organization will or does exercise supervision and control over current offices and proposed sub offices]; and
- e. [Organization name] provides access to adequate legal resources at each such office or location. \
- f. As evidence of the above as well as evidence of joint operations, management, and funding [Organization name] has included the following supporting documentation
 - i. Organizational chart
 - ii. Budget
 - iii. Fee schedule (or description of legal services to be provided if no fees are charged)
 - iv. Immigration law library resources for all office locations

[Signature of Authorized Officer] [Printed Name and Title of Authorized officer] [Date] Phone number – xxx-xxx Email address -yourname@yourorg.org

SAMPLE ORGANIZATIONAL CHART

[Organization Name] Immigration Legal Services Organization Chart

[The organization chart should focus on the immigration program not other programs in the organization]



SAMPLE BUDGET FOR IMMIGRATION PROGRAM FOR ORGANIZATIONS STARTING AN IMMIGRATION LEGAL SERVICES PROGRAM (1)

[On organization's letterhead]

IMMIGRATION PROGRAM BUDGET 2024 Proposed Budget (June 1, 2025 – May 31, 2026) Prepared on May 1, 2025

(Tip: Make sure you include the name(s) of the grant or fund you are listing in your budget.)

Revenue:

Local Church Mission Fund	\$3,500.00
Local Church in-kind donation	\$31,200.00
- Rent and utilities	
• Southern District of Larger Denomination (donation)	\$26,000.00
Grant from Community Foundation of [City]	\$2,000.00
Individual Contributions and fundraisers	\$20,600.00
• State Grant (approved)	\$50,000.00
Special Projects Grant (approved)	\$30,000.00
ABA Foundation Grant (approved)	\$2,000.00
• USCIS Grant (approved)	\$23,000.00
Projected Client Fees*	\$20,000.00
• Total	\$208,300.00
Expenses:	
• Rent/Utilities in-kind	\$31,200.00
Office supplies and computers	\$3,000.00
• Technology (zoom, internet, phone system, etc.)	\$2,500.00
Liability Insurance	\$2,000.00
Case Management Software	\$3,000.00
• Training	\$3,000.00
Legal Library	\$2,000.00
• Salary (1 full-time entry-level DOJ Rep.)**	\$60,000.00
• Salary (1 full-time entry-level attorney)	\$75,000.00
Employee Benefits	\$24,600.00
Technical Legal Support and subscriptions	\$2,00.00
• Total	208,300.00
* If your agency is charging fees, please see the best practice tips in Se	ction V

of this checklist

** Salaries and benefits are hypothetical but based on our study of national rates deemed reasonable for the complexity and difficulty of the positions. CLINIC encourages all providers to offer dignified pay and benefits that is fair for the cost of living and promote staff retention.

SAMPLE BUDGET FOR IMMIGRATION PROGRAM (2) FOR ORGANIZATIONS WITH AN EXISTING IMMIGRATION LEGAL SERVICES PROGRAM

[On organization's letterhead]

IMMIGRATION PROGRAM BUDGET FOR CURRENT YEAR, FY 2024/2025 (July 1, 2024 – June 30, 2025) (Tip: Make sure you include the name(s) of the grant or fund you are listing in your budget.)

INCOME

Source	Amount
Fundraising	
Social Media Fundraiser \	\$12,000
Parish Support	\$7,000
Individual Contributions	\$10,000
Client Fees*	\$15,000
In-Kind Support for Space/Utilities	\$20,000
City of Anytown Grant	\$20,000
USCIS Grant	\$10,000
State Grant	\$8,000
TOTAL	\$102,000
EXPENSES	
Source	Amount
Staff Salary and Benefits**	\$72,000
(one entry-level DOJ Rep)	
Space/Utilities (In-Kind)	\$20,000
Office Supplies (postage, printing, etc.)	\$2,000
Immigration Training & Law Library	\$1,600
Case Management Software	\$3,000
CLINIC Membership	\$1,800
Technology (Internet and phone system)	\$1,600
TOTAL	\$102,000

* If your agency is charging fees, please see the best practice tips in <u>Section V</u> of this checklist ** Salaries and benefits are hypothetical but based on our study of national rates deemed reasonable for the complexity and difficulty of the positions. CLINIC encourages all providers to offer dignified pay and benefits that is fair for the cost of living and promote staff retention. **SAMPLE FEE SCHEDULE-** For more information about setting fees, please see the <u>best practice tip in</u> <u>section V</u> of this checklist

[On organization's letterhead]

IMMIGRATION SERVICES FEE SCHEDULE EFFECTIVE [DATE]

Form	Service	Fee
	Initial Consultation Fee	\$
N-400	Citizenship	\$:
N-565	Replace Naturalization Certificate	\$
N-600	Certificate of Citizenship	\$
I-90	Renew/Replace Green Card	\$
I-102	Replace 1-94 Card	\$
I-129R1	Religious Worker Visa	\$.
I-129F	Fiancé Petition	\$.
I-130	Alien Relative Petition (stand-alone)	\$2
I-130	"One Step" Adjustment of Status Package for Spouse/Child Over 14 (includes I-485, I-131, I-765, I-864, and G-325A)	Φ.
	For child under 14	\$ ⁴
I-485	Adjustment of Status (non-immediate relative)	\$:
	For child under 14	\$1
I-485	Refugee/Asylee Adjustment of Status	\$2
I-485A	Adjustment of Status Supplement A	\$
DS-230	Consular Packet	\$:
	Each additional family member	\$
I-131	Travel Document	\$
I-134	Affidavit of Support for Visit	\$
I-539	Extend/Change Status	\$2
I-751	Removal of Conditions	\$2
I-765	Employment Authorization	\$
I-821	Temporary Protected Status	\$
I-864	Affidavit of Support	\$2
I-864A	Affidavit of Support Joint Sponsor	\$
I-360	Petition for Widow/Battered Spouse or Child	\$.
I-824	Application for Action on Approved Application or Petition	\$
I-730	Refugee/Asylee Relative Petition	\$
I-918	Complete U-Visa	\$4
AR-11	Change of Address	\$
	Infopass Appointment (one per application free)	\$
	Translate Document	\$
	Cap on translation	\$

NOTE: A fee waiver is available for those who qualify. USCIS charges separate fees for processing applications filed. Those USCIS filing fees are not reflected above.

SAMPLE LIST OF IMMIGRATION LAW LIBRARY RESOURCES FOR ALL OFFICE LOCATIONS

[On organization's letterhead]

These are only examples, not a complete list of immigration references and resources. Depending on the types of immigration services your organization provides, seek other resources by talking to experts in the field. At a minimum, it is recommended that your organization have print copies of the *Immigration and Nationality Act (INA)* and *Title 8 of the Code of Federal Regulations (8 CFR)* as well as online resources, which are readily available. In addition, it is highly recommended that your organization have a budget to purchase and update immigration law library resources annually since immigration laws change constantly.

[include a statement describing how extensions offices will access these materials]

Print Resources

The Immigration and Nationality Act (INA), 2024 Edition

Title 8 of the Code of Federal Regulations (8 CFR), 2024 Edition

Kurzban's Immigration Law Sourcebook, 19th Edition, Ira J. Kurzban and the National Immigration

Lawyers Association, 2024

A Guide for Immigration Advocates, 24th Edition, Immigrant Legal Resource Center, 2024

Naturalization & U.S. Citizenship: The Essential Legal Guide, 17th Edition, Immigrant Legal Resource Center, 2022

U.S. Citizenship and Naturalization Handbook, 2022-2023 Edition, Daniel Levy, Charles Roth, and the National Immigration Project of the National Lawyers Guild

Immigration Law and the Family, 6th Edition, Charles Wheeler and the American Immigration Lawyers Association, 2020

FOIA Requests and Other Background Checks: A Practical Guide to Filing Records Requests in

Immigration Cases, 3rd Edition, Immigrant Legal Resource Center, 2024

DACA: The Essential Legal Guide, 4th Edition, Immigrant Legal Resource Center, 2021

Inadmissibility and Deportability, 6th Edition, Immigration Legal Resource Center, 2021

The VAWA Manual: Immigration Relief for Abused Immigrants, 8th Edition, Immigrant Legal Resource Center, 2020

Online Resources

Executive Office for Immigration Review Virtual Law Library, https://www.justice.gov/eoir/virtual-law-library USCIS' website with the current INA, 8 CFR, all immigration-related forms, policy manuals, and updates from the government, <u>https://www.uscis.gov/</u>

Department of State Visa Bulletin, https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html

Catholic Legal Immigration Network, Inc. (CLINIC) Citizenship Toolkit, available at <u>https://cliniclegal.org/toolkits/citizenship</u>

CLINIC Case Management Toolkit, available at https://cliniclegal.org/toolkits/case-management

CLINIC handbook, Managing an Immigration Program: Steps for Creating and Increasing Legal Capacity,

https://cliniclegal.org/resources/program-management/managing-immigration-program-steps-creatingand-increasing-legal

Basic Procedural Manual for Asylum Representation, National Immigrant Justice Center, https://www.immigrationadvocates.org/nonprofit/library

CLINIC's monthly affiliate newsletter and daily list serve with immigration law updates, news from the Catholic network, a training schedule, and information on immigration advocacy efforts.

Immigration Advocate's Network (IAN), <u>www.immigrationadvocates.org</u> list serve and web-based library with podcasts, webinars, video trainings, calendar of training dates, and news alerts

USCIS e-mail updates regarding policy changes and new guidelines

Detention Watch Network Listserve, http://www.detentionwatchnetwork.org/signup

Siskind's Immigration Bulletin,

https://lp.constantcontactpages.com/su/qX2e4ol/Siskindsignup